

ECF No. 556-3

Exhibit A

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

SCOTT AND RHONDA BURNETT, RYAN HENDRICKSON, JEROD BREIT, SCOTT TRUPIANO, and JEREMY KEEL, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

THE NATIONAL ASSOCIATION OF REALTORS, REALOGY HOLDINGS CORP., HOMESERVICES OF AMERICA, INC., BHH AFFILIATES, LLC, HSF AFFILIATES, LLC, RE/MAX LLC, and KELLER WILLIAMS REALTY, INC.,

Defendants.

Case No.: 4:19-cv-00332-SRB

Judge Stephen R. Bough

DECLARATION OF MICHAEL RYAN GORMAN

I, Michael Ryan Gorman, state as follows:

1. I am the President and Chief Executive Officer of Realogy Brokerage Group, LLC and I am the Chief Executive Officer of Coldwell Banker, LLC. I am over the age of 18, am competent to testify to the matters stated herein, and make this declaration based upon my personal knowledge, information, and belief.

2. Realogy Brokerage Group and Coldwell Banker are a subsidiaries of Realogy Holdings Corp. (“Realogy”).

3. Through subsidiaries, Realogy owns and operates residential real estate brokerages throughout the United States, and licenses its brands to independently owned and operated real estate brokerage franchisees.

4. Realogy's diverse brand portfolio includes Better Homes and Gardens® Real Estate, CENTURY 21®, Coldwell Banker®, Corcoran®, ERA®, and Sotheby's International Realty®.

5. Realogy is not a member of the National Association of Realtors ("NAR").

6. Realogy is also not a member of the any of the four multiple listing services ("MLSS") that I understand are at issue in this case: Heartland MLS, the Columbia Board of Realtors MLS, the Mid America Regional Information System ("MARIS"), or the Southern Missouri Regional MLS (collectively, the "Subject MLSS").

7. As I testified during my deposition, which occurred on Monday, November 8, 2021 in Princeton, New Jersey, of the various NAR rules, guidelines and handbooks, the only one that Realogy requires its company-owned brokerages and franchisees that license one of its brands to follow is the NAR Code of Ethics.

8. As I testified during my deposition, Realogy does not require that any of its employees or any independently owned and operated franchisee that licenses one of its brands to become members of any local MLS. Realogy also does not require that any independent contractor sales associates who are affiliated with any Realogy-owned brokerage or with any franchisee that licenses one of its brands become members of any local MLS.

9. As I testified during my deposition, it is the position of Realogy that the mandatory nature of the NAR Cooperative Compensation Rule should be rescinded. It is also the position of Realogy that offers of compensation that are made to buyer brokers should be transparently available to consumers, not just to brokers.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: 11/11/21



M. Ryan Gorman